

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

ALBERT T. THURMAN, JR.,
Plaintiff,
v.
FRANKLIN COUNTY et. al,
Defendants.

NO. CV-07-5046-EFS

**ORDER DISMISSING ACTION FOR
FAILURE TO PROSECUTE**

On August 3, 2007, Plaintiff Albert T. Thurman, Jr. filed a Complaint alleging Defendants violated his constitutional rights under 42 U.S.C. § 1983. (Ct. Rec. 1.) A summons was issued but not returned executed.

On June 10, 2008, the Court ordered Plaintiff to show cause no later than July 2, 2008, why his lawsuit should not be dismissed for failure to prosecute under Federal Rule of Civil Procedure 41(b). (Ct. Rec. 2.) The Court explicitly warned Plaintiff that failing to respond would be viewed as consent to dismissal. *Id.* Plaintiff did not file a response.

1 Accordingly, **IT IS HEREBY ORDERED:**

2 1. Plaintiff's Complaint (**Ct. Rec. 1**) is **DISMISSED;**

3 2. Judgment of dismissal shall be entered **with prejudice;** and

4 3. This file shall be closed.

5 **IT IS SO ORDERED.** The District Court Executive is directed to enter
6 this Order and provide a copy to Plaintiff.

7 **DATED** this 21st day of July 2008.

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9 S/ Edward F. Shea
EDWARD F. SHEA
10 United States District Judge

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